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WHALING ACTIVITIES OF CANADA

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT REGARDING CERTIFICATION BY THE SECRETARY OF COMMERCE THAT CANADA HAS CONDUCTED WHALING ACTIVITIES THAT DIMINISH THE EFFECTIVENESS OF A CONSERVATION PROGRAM OF THE INTERNATIONAL WHALING COMMISSION (IWC), PURSUANT TO 22 U.S.C. 1978(b)



FEBRUARY 11, 1997.—Message referred to the Committees on International Relations and Resources, and ordered to be printed

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To the Congress of the United States:

On December 12, 1996, Secretary of Commerce Michael Kantor certified under section 8 of the Fishermen's Protective Act of 1967, as amended (the "Pelly Amendment") (22 U.S.C. 1978), that Canada has conducted whaling activities that diminish the effectiveness of a conservation program of the International Whaling Commission (IWC). The certification was based on the issuance of whaling licenses by the Government of Canada in 1996 and the subsequent killing of two bowhead whales under those licenses. This message constitutes my report to the Congress pursuant to subsection (b) of the Pelly Amendment.

In 1991, Canadian natives took a bowhead whale from the western Arctic stock, under a Canadian permit. In 1994, Canadian natives took another bowhead whale from one of the eastern Arctic stocks, without a permit.

In 1996, under Canadian permits, one bowhead whale was taken in the western Canadian Arctic on July 24 and one bowhead whale was taken in the eastern Canadian Arctic on August 17. The whale in the eastern Arctic was taken from a highly endangered stock. The IWC has expressed particular concern about whaling on this stock, which is not known to be recovering.

None of the Canadian whale hunts described above was authorized by the IWC. Canada withdrew from the IWC in 1982. In those instances where Canada issued whaling licenses, it did so without consulting the IWC. In fact, Canada's 1996 actions were directly contrary to IWC advice. At the 1996 Annual Meeting, the IWC passed a resolution encouraging Canada to refrain from issuing whaling licenses and to rejoin the IWC. However, Canada has recently advised the United States that it has no plans to rejoin the IWC and that it intends to continue granting licenses for the taking of endangered bowhead whales.

Canada's unilateral decision to authorize whaling outside of the IWC is unacceptable. Canada's conduct jeopardizes the international effort that has allowed whale stocks to begin to recover from the devastating effects of historic whaling.

I understand the importance of maintaining traditional native cultures, and I support aboriginal whaling that is managed through the IWC. The Canadian hunt, however, is problematic for two reasons.

First, the whaling took place outside the IWC. International law, as reflected in the 1982 United Nations Convention on the Law of the Sea, obligates countries to work through the appropriate international organization for the conservation and management of whales. Second, whaling in the eastern Canadian Arctic poses a particular conservation risk, and the decision to take this risk should not have been made unilaterally.

I believe that Canadian whaling on endangered whales warrants action at this time.

Accordingly, I have instructed the Department of State to oppose Canadian efforts to address takings of marine mammals within the newly formed Arctic Council. I have further instructed the Department of State to oppose Canadian efforts to address trade in marine mammal products with the Arctic Council. These actions grow from our concern about Canada's efforts to move whaling issues to fora other than the IWC and, more generally, about the taking of marine mammals in ways that are inconsistent with sound conservation practices.

Second, I have instructed the Department of Commerce, in implementing the Marine Mammal Protection Act, to withhold consideration of any Canadian requests for waivers to the existing moratorium on the importation of seals and/or seal products into the United States.

Finally, the United States will continue to urge Canada to reconsider its unilateral decision to authorize whaling on endangered stocks and to authorize whaling outside the IWC.

I believe the foregoing measures are more appropriate in addressing the problem of Canadian whaling than the imposition of import prohibitions at this time.

I have asked the Departments of Commerce and State to keep this situation under close review.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1997.*

